MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

PART I: GENERAL INFORMATION

Type of Requestor: (x) HCP ( ) IE ( ) IC	**Response Timely Filed?** (x) Yes () No
Requestor's Name and Address Harris Methodist Ft. Worth P.O. Box 916063 Ft. Worth, TX 76191	MDR Tracking No.: M4-03-8853-01 TWCC No.: Injured Employee's Name:
Respondent's Name and Address Zurich American Insurance Co. c/o Flahive, Ogden & Latson Box 19	Date of Injury: Employer's Name: Williams Scotsman Inc. Insurance Carrier's No.: Unknown

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
09/30/02	10/22/02	Inpatient Hospitalization	$30,197.00	$26,813.90

PART III: REQUESTOR'S POSITION SUMMARY

The Requestor did not submit a Position Summary; however, on the Table of Disputed Services the requestor states, "The implants were not considered or pd surgrey should have been pd at $1118.00 x 22 days. The ct was even considered. Total charges wasn't even pd at 75% Please review for additional pymt."

PART IV: RESPONDENT'S POSITION SUMMARY

Position Summary states in part, "…This medical dispute arises from surgery involving an inpatient stay preauthorized for only 8 days of service, from 93002-10/8/02. The remaining 12 days were not preauthorized and thus, carrier is not liable for payment of these services… Carrier has correctly calculated the amount owed for these dates of service. The post-audit amount was well under the $40,000 stop-loss threshold. Therefore, the per diem calculation method applied to this case. No additional reimbursement is owed to the provider…"

PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

This dispute relates to inpatient services provided in a hospital setting with reimbursement subject to the provisions of Rule 134.401 (Acute Care Inpatient Hospital Fee Guideline). In this particular admission, the principle diagnosis code was 825.0 related to trauma care for a fracture of calcaneus, closed. Pursuant to Rule 134.401(c)(5), the reimbursement for the entire admission shall be paid at a fair and reasonable rate (neither the per diem method nor the stop loss method apply to this case).

Determining the "fair and reasonable" reimbursement can be difficult. In this case, it appears that neither the requestor nor the respondent have persuasively shown that their position represents the appropriate amount. Therefore, an alternate approach is needed to determine the reimbursement amount.

Based on the data contained in the Commission's medical billing database for dates of service in 2002, trauma admissions were reimbursed, on average, at 55.5% of the total charges (total payments divided by total charges). Applying this same formula to this specific case appears to be a sound method to determine the appropriate fair and reasonable reimbursement.

Accordingly, the health care provider is entitled to a total reimbursement amount of $36,529.90. This was calculated by multiplying the total changes of $65,819.64 by 55.5%.

Since the carrier has previously paid $9,716.00 the health care provider is entitled to additional reimbursement in the amount of $26,813.90.

PART VI: COMMISSION DECISION

Based upon the review of the disputed healthcare services, the Medical Review Division has determined that the requestor is entitled to additional reimbursement in the amount of $26,813.90. The Division hereby **ORDERS** the insurance carrier to remit this amount plus all accrued interest due at the time of payment to the Requestor within 20-days of receipt of this Order.

Ordered by:

	Allen McDonald	04/05/05
Authorized Signature	Typed Name	Date of Order

Decision by:

	Marguerite Foster	04/05/05
Signature	Typed Name	Date of Decision

PART VII: YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the Decision and has a right to request a hearing. A request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings/Appeals Clerk within 20 (twenty) days of your receipt of this decision (28 Texas Administrative Code § 148.3). This Decision was mailed to the health care provider and placed in the Austin Representatives box on _____. This Decision is deemed received by you five days after it was mailed and the first working day after the date the Decision was placed in the Austin Representative's box (28 Texas Administrative Code § 102.5(d)). A request for a hearing should be sent to: Chief Clerk of Proceedings/Appeals Clerk, P.O. Box 17787, Austin, Texas, 78744 or faxed to (512) 804-4011. A copy of this Decision should be attached to the request.

The party appealing the Division's Decision shall deliver a copy of their written request for a hearing to the opposing party involved in the dispute.

Si prefiere hablar con una persona in español acerca de ésta correspondencia, favor de llamar a 512-804-4812.

PART VIII: INSURANCE CARRIER DELIVERY CERTIFICATION

I hereby verify that I received a copy of this Decision in the Austin Representative's box.

Signature of Insurance Carrier: _____ Date: _____